

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

EPIC SYSTEMS CORPORATION, a
Wisconsin Corporation,

Plaintiff,

Case No. 14-CV-748

v.

TATA CONSULTANCY SERVICES
LIMITED, an Indian Corporation; and TATA
AMERICA INTERNATIONAL
CORPORATION (dba TCS AMERICA), a
New York Corporation,

Defendants.

EPIC'S REQUEST FOR A POST-REMAND STATUS CONFERENCE

Plaintiff Epic requests a telephonic or video status conference during which the parties can discuss with the Court the proper course of proceedings for this case upon remand from the Seventh Circuit. Epic intends to ask the Court to re-enter judgment in its favor in the amount of \$280 million. That amount represents \$140 million in compensatory damages upheld on appeal, plus \$140 million in punitive damages authorized by the Seventh Circuit in this case as a constitutionally permissible 1:1 ratio of punitive damages to compensatory damages. In further support of this request, Epic states as follows:

1. This case was tried to a jury by this Court. After two rounds of briefing on post-verdict and then post-judgment motions filed by defendant TCS, the Court entered a \$420 million judgment in Epic's favor. That judgment consisted of \$140 million in compensatory damages and \$280 million in punitive damages. In entering judgment, the Court rejected Tata's

challenges to Epic's entitlement to punitive damages. The Court found that a \$280 million punitive damage award (i) was supported by the evidence, (ii) complied with Wisconsin law including a Wisconsin statute limiting punitive damages to a 2:1 ratio, and (iii) did not offend the Constitution.

2. On appeal, the Seventh Circuit affirmed this Court's entry of \$140 million in compensatory damages.

3. As to the award of punitive damages, the Seventh Circuit affirmed this Court's finding that Epic was entitled to punitive damages. With respect to the amount of punitive damages, the Seventh Circuit found that the due process clause of the United States Constitution imposed a further limit on Epic's award of punitive damages. The Court found that Epic was entitled to punitive damages of up to \$140 million.

4. The Seventh Circuit remanded the case to this Court for further proceedings consistent with its opinion.

5. The Seventh Circuit issued its mandate in this case on November 30, 2020. Jurisdiction over this case now resides with this Court.

6. Epic requests a telephonic or video status conference during which the Court can discuss with the parties how to proceed on remand.

7. Epic intends to ask the Court at the status conference to re-enter judgment in the amount of \$280 million. That judgment will consist of \$140 million in compensatory damages, plus \$140 million in punitive damages. Epic believes the Court has already found this award fully justified by the facts and circumstances of this case. Moreover, in light of the Seventh Circuit's opinion, an award of punitive damages of \$140 million does not offend the Constitution.

WHEREFORE, Epic requests that the Court schedule a telephonic or video status conference at which the Court can address how to proceed on remand.

Dated: November 30, 2020

/s/ Rick Richmond

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Attorneys for Plaintiff Epic Systems Corporation

CERTIFICATE OF SERVICE

I, Rick Richmond, certify that on November 30, 2020, I caused **Epic's Request For A Post-Remand Status Conference** to be served on all counsel listed in the Court's ECF system.

Dated: November 30, 2020

/s/ Rick Richmond
Counsel for Epic Systems Corporation